



Rep. Mary E. Flowers

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09900HB2758ham001

LRB099 09587 KTG 33238 a

1 AMENDMENT TO HOUSE BILL 2758

2 AMENDMENT NO. _____. Amend House Bill 2758 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Housing Authorities Act is amended by
5 changing Section 25 as follows:

6 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

7 Sec. 25. Rentals and tenant selection. In the operation or
8 management of housing projects an Authority shall at all times
9 observe the following duties with respect to rentals and tenant
10 selection:

11 (a) It shall not accept any person as a tenant in any
12 dwelling in a housing project if the persons who would occupy
13 the dwelling have an aggregate annual income which equals or
14 exceeds the amount which the Authority determines (which
15 determination shall be conclusive) to be necessary in order to
16 enable such persons to secure safe, sanitary and uncongested

1 dwelling accommodations within the area of operation of the
2 Authority and to provide an adequate standard of living for
3 themselves.

4 (b) It may rent or lease the dwelling accommodations
5 therein only at rentals within the financial reach of persons
6 who lack the amount of income which it determines (pursuant to
7 (a) of this Section) to be necessary in order to obtain safe,
8 sanitary and uncongested dwelling accommodations within the
9 area of operation of the Authority and to provide an adequate
10 standard of living.

11 (c) It may rent or lease to a tenant a dwelling consisting
12 of the number of rooms (but no greater number) which it deems
13 necessary to provide safe and sanitary accommodations to the
14 proposed occupants thereof, without overcrowding.

15 (d) It shall not change the residency preference of any
16 prospective tenant once the application has been accepted by
17 the authority.

18 (e) It may refuse to certify or recertify applicants,
19 current tenants, or other household members if, after due
20 notice and an impartial hearing, that person or any of the
21 proposed occupants of the dwelling has, prior to or during a
22 term of tenancy or occupancy in any housing project operated by
23 an Authority, been convicted of a criminal offense relating to
24 the sale or distribution of controlled substances under the
25 laws of this State, the United States or any other state. If an
26 Authority desires a criminal history records check of all 50

1 states or a 50-state confirmation of a conviction record, the
2 Authority shall submit the fingerprints of the relevant
3 applicant, tenant, or other household member to the Department
4 of State Police in a manner prescribed by the Department of
5 State Police. These fingerprints shall be checked against the
6 fingerprint records now and hereafter filed in the Department
7 of State Police and Federal Bureau of Investigation criminal
8 history records databases. The Department of State Police shall
9 charge a fee for conducting the criminal history records check,
10 which shall be deposited in the State Police Services Fund and
11 shall not exceed the actual cost of the records check. The
12 Department of State Police shall furnish pursuant to positive
13 identification, records of conviction to the Authority. Prior
14 to refusing to certify or recertify an applicant, current
15 tenant, or other household member pursuant to this subsection,
16 the Authority shall make an individualized assessment and
17 determine whether it is reasonable to conclude that the
18 applicant, current tenant, or other household member would
19 constitute a threat to those in the community where the
20 applicant, current tenant, or other household member would
21 reside; or whether it is reasonable to conclude that the
22 applicant, current tenant, or other household member would
23 otherwise engage in other unlawful activities in that
24 community. During the individualized assessment, the Authority
25 shall consider all mitigating circumstances, including, but
26 not limited to: the nature of the crime; the time elapsed

1 between the date of conviction and the date of certification or
2 recertification; the applicant's, tenant's, or other household
3 member's background; the incentive to litigate the criminal
4 matter; and any evidence demonstrating rehabilitation. The
5 Authority shall provide notice to the applicant, current
6 tenant, or other household member that he or she may be denied
7 certification or recertification because of a criminal
8 conviction and that he or she has the right to an impartial
9 hearing to demonstrate that he or she should not be denied
10 certification or recertification because of his or her
11 particular circumstances.

12 (f) It may, if a tenant has created or maintained a threat
13 constituting a serious and clear danger to the health or safety
14 of other tenants or Authority employees, after 3 days' written
15 notice of termination and without a hearing, file suit against
16 any such tenant for recovery of possession of the premises. The
17 tenant shall be given the opportunity to contest the
18 termination in the court proceedings. A serious and clear
19 danger to the health or safety of other tenants or Authority
20 employees shall include, but not be limited to, any of the
21 following activities of the tenant or of any other person on
22 the premises with the consent of the tenant:

23 (1) Physical assault or the threat of physical assault.

24 (2) Illegal use of a firearm or other weapon or the
25 threat to use in an illegal manner a firearm or other
26 weapon.

1 (3) Possession of a controlled substance by the tenant
2 or any other person on the premises with the consent of the
3 tenant if the tenant knew or should have known of the
4 possession by the other person of a controlled substance,
5 unless the controlled substance was obtained directly from
6 or pursuant to a valid prescription.

7 (4) Streetgang membership as defined in the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

9 The management of low-rent public housing projects
10 financed and developed under the U.S. Housing Act of 1937 shall
11 be in accordance with that Act.

12 Nothing contained in this Section or any other Section of
13 this Act shall be construed as limiting the power of an
14 Authority to vest in a bondholder or trustee the right, in the
15 event of a default by the Authority, to take possession and
16 operate a housing project or cause the appointment of a
17 receiver thereof, free from all restrictions imposed by this
18 Section or any other Section of this Act.

19 (Source: P.A. 93-418, eff. 1-1-04; 93-749, eff. 7-15-04.)".